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COMMITTEE ON THE RIGHTS OF THE CHILD

RESERVATIONS, DECLARATIONS AND OBJECTIONS RELATING TO THE CONVENTION OF THE RIGHTS OF THE CHILD

Note by the Secretary-General

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* The text of reservations withdrawn is contained in part A.

Introduction

As at 30 June 1995, the Convention on the Rights of the Child had been ratified or acceded to by 176 States. In addition, four States had signed the Convention.

The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in chapter I to the present document.

Chapter II contains the texts of declarations and reservations (part A), withdrawal of reservations (part B), extension of application (part C), objections to reservations, declarations and extension of application (part D), and communications (part E) made by States with respect to the Convention since its entry into force, i.e. from 2 September 1990 to 30 June 1995.

I. LIST OF STATES THAT HAVE SIGNED, RATIFIED OR ACCEDED TO THE CONVENTION ON THE RIGHTS OF THE CHILD AS AT 30 JUNE 1995

States	Date of signature	Date of receipt of instrument of ratification/accession a/
Afghanistan	27 September 1990	28 March 1994
Albania	26 January 1990	27 February 1992
Algeria	26 January 1990	16 April 1993
Angola	14 February 1990	5 December 1990
Antigua and Barbuda	12 March 1991	5 October 1993
Argentina	29 June 1990	4 December 1990
Armenia		23 June 1993
Australia	22 August 1990	17 December 1990
Austria	26 January 1990	6 August 1992
Azerbaijan		13 August 1992 a/
Bahamas	30 October 1990	20 February 1991
Bahrain		13 February 1992 a/
Bangladesh	26 January 1990	3 August 1990
Barbados	19 April 1990	9 October 1990
Belarus	26 January 1990	1 October 1990
Belgium	26 January 1990	16 December 1991
Belize	2 March 1990	2 May 1990
Benin	25 April 1990	3 August 1990
Bhutan	4 June 1990	1 August 1990
Bolivia	8 March 1990	26 June 1990

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a/ Accession

States	Date of signature	Date of receipt of instrument of ratification/accession a/
Bosnia and Herzegovina*		6 March 1992
Botswana		14 March 1995 a/
Brazil	26 January 1990	24 September 1990
Bulgaria	31 May 1990	3 June 1991
Burkina Faso	26 January 1990	31 August 1990
Burundi	8 May 1990	19 October 1990
Cambodia	22 September 1992	15 October 1992
Cameroon	25 September 1990	11 January 1993
Canada	28 May 1990	13 December 1991
Cape Verde		4 June 1992 a/
Central African Republic	30 July 1990	23 April 1992
Chad	30 September 1990	2 October 1990
Chile	26 January 1990	13 August 1990
China	29 August 1990	2 March 1992
Colombia	26 January 1990	28 January 1991
Comoros	30 September 1990	22 June 1993
Congo		14 October 1993 a/
Costa Rica	26 January 1990	21 August 1990
Côte d'Ivoire	26 January 1990	4 February 1991
Croatia*		
Cuba	26 January 1990	21 August 1991
Cyprus	5 October 1990	7 February 1991
Czech Republic*		
Democratic People's Republic of Korea	23 August 1990	21 September 1990
Denmark	26 January 1990	19 July 1991
Djibouti	30 September 1990	6 December 1990
Dominica	26 January 1990	13 March 1991
Dominican Republic	8 August 1990	11 June 1991
Ecuador	26 January 1990	23 March 1990
Egypt	5 February 1990	6 July 1990
El Salvador	26 January 1990	10 July 1990
Equatorial Guinea		15 June 1992 a/
Eritrea	20 December 1993	3 August 1994
Estonia		21 October 1991 a/
Ethiopia		14 May 1991 a/

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* Succession.

States	Date of signature	Date of receipt of instrument of ratification/accession a/
Fiji	2 July 1993	13 August 1993
Finland	26 January 1990	20 June 1991
France	26 January 1990	7 August 1990
Gabon	26 January 1990	9 February 1994
Gambia	5 February 1990	8 August 1990
Georgia		2 June 1994 a/
Germany*	26 January 1990	6 March 1992
Ghana	29 January 1990	5 February 1990
Greece	29 January 1990	11 May 1993
Grenada	21 February 1990	5 November 1990
Guatemala	26 January 1990	6 June 1990
Guinea		13 July 1990 a/
Guinea-Bissau	26 January 1990	20 August 1990
Guyana	30 September 1990	14 January 1991
Haiti	26 January 1990	8 June 1995
Holy See	20 April 1990	20 April 1990
Honduras	31 May 1990	10 August 1990
Hungary	14 March 1990	7 October 1991
Iceland	26 January 1990	28 October 1992
India		11 December 1992 a/
Indonesia	26 January 1990	5 September 1990
Iran (Islamic Republic of)	5 September 1991	13 July 1994
Iraq		15 June 1994 a/
Ireland	30 September 1990	28 September 1992
Israel	3 July 1990	3 October 1991
Italy	26 January 1990	5 September 1991
Jamaica	26 January 1990	14 May 1991
Japan	21 September 1990	22 April 1994
Jordan	29 August 1990	24 May 1991
Kazakhstan	16 February 1994	12 August 1994

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* Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation "Germany". The former German Democratic Republic signed and ratified the Convention on 7 March 1990 and 2 October 1990 respectively.

States	Date of signature	Date of receipt of instrument of ratification/accession a/
Kenya	26 January 1990	30 July 1990
Kuwait	7 June 1990	21 October 1991
Kyrgyzstan		7 October 1995 a/
Lao People's Democratic Republic		8 May 1991 a/
Latvia		14 April 1992 a/
Lebanon	26 January 1990	14 May 1991
Lesotho	21 August 1990	10 March 1992
Liberia	26 April 1990	4 June 1993
Libyan Arab Jamahiriya		15 April 1993 a/
Liechtenstein	30 September 1990	
Lithuania		31 January 1992 a/
Luxembourg	21 March 1990	7 March 1994
Madagascar	19 April 1990	19 March 1991
Malawi		2 January 1991 a/
Malaysia		17 February 1995 a/
Maldives	21 August 1990	11 February 1991
Mali	26 January 1990	20 September 1990
Malta	26 January 1990	30 September 1990
Marshall Islands	14 April 1993	4 October 1993
Mauritania	26 January 1990	16 May 1991
Mauritius		26 July 1990 a/
Mexico	26 January 1990	21 September 1990
Micronesia		5 May 1993 a/
Monaco		21 June 1993 a/
Mongolia	26 January 1990	5 July 1990
Morocco	26 January 1990	21 June 1993
Mozambique	30 September 1990	26 April 1994
Myanmar		15 July 1991 a/
Namibia	26 September 1990	30 September 1990
Nauru		27 July 1994 a/
Nepal	26 January 1990	14 September 1990
Netherlands	26 January 1990	6 February 1995
New Zealand	1 October 1990	6 April 1993
Nicaragua	6 February 1990	5 October 1990
Niger	26 January 1990	30 September 1990

States	Date of signature	Date of receipt of instrument of ratification/accession a/
Nigeria	26 January 1990	19 April 1991
Norway	26 January 1990	8 January 1991
Pakistan	20 September 1990	12 November 1990
Panama	26 January 1990	12 December 1990
Papua New Guinea	30 September 1990	1 March 1993
Paraguay	4 April 1990	25 September 1990
Peru	26 January 1990	4 September 1990
Philippines	26 January 1990	21 August 1990
Poland	26 January 1990	7 June 1991
Portugal	26 January 1990	21 September 1990
Qatar	8 December 1992	3 April 1995
Republic of Korea	25 September 1990	20 November 1991
Republic of Moldova		26 January 1993 a/
Romania	26 January 1990	28 September 1990
Russian Federation	26 January 1990	16 August 1990
Rwanda	26 January 1990	24 January 1991
Saint Kitts and Nevis	26 January 1990	24 July 1990
Saint Lucia		16 June 1993 a/
Saint Vincent and the Grenadines	20 September 1993	26 October 1993
Samoa	30 September 1990	29 November 1994
San Marino		25 November 1991 a/
Sao Tome and Principe		14 May 1991 a/
Senegal	26 January 1990	31 July 1990
Seychelles		7 September 1990 a/
Sierra Leone	13 February 1990	18 June 1990
Slovakia*		
Slovenia*		
Solomon Islands		10 April 1995 a/
South Africa	29 January 1993	16 June 1995
Spain	26 January 1990	6 December 1990
Sri Lanka	26 January 1990	12 July 1991
Sudan	24 July 1990	3 August 1990
Suriname	26 January 1990	1 March 1993
Swaziland	22 August 1990	
Sweden	26 January 1990	29 June 1990

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* Succession.

States	Date of Signature	Date of receipt of instrument of ratification/accession a/
Switzerland	1 May 1991	
Syrian Arab Republic	18 September 1990	15 July 1993
Tajikistan		26 October 1993
Thailand		27 March 1992 a/
The Former Yugoslav Republic of Macedonia*		2 December 1993
Togo	26 January 1990	1 August 1990
Trinidad and Tobago	30 September 1990	5 December 1991
Tunisia	26 February 1990	30 January 1992
Turkey	14 September 1990	4 April 1995
Turkmenistan		20 September 1993 a/
Uganda	17 August 1990	17 August 1990
Ukraine	21 February 1991	28 August 1991
United Kingdom of Great Britain and Northern Ireland	19 April 1990	16 December 1991
United Republic of Tanzania	1 June 1990	10 June 1991
Uruguay	26 January 1990	20 November 1990
Uzbekistan		29 June 1994 a/
Vanuatu	30 September 1990	7 July 1993
Venezuela	26 January 1990	13 September 1990
Viet Nam	26 January 1990	28 February 1990
Yemen	13 February 1990	1 May 1991
Yugoslavia	26 January 1990	3 January 1991
Zaire	20 March 1990	27 September 1990
Zambia	30 September 1990	5 December 1991
Zimbabwe	8 March 1990	11 September 1990

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* On 2 December 1993, the notification of succession by the Government of The Former Yugoslav Republic of Macedonia to the Convention on the Rights of the Child, with effect from 17 September 1991, the date on which The Former Yugoslav Republic of Macedonia assumed responsibility for its international relations, was deposited with the Secretary-General.

II. TEXTS OF DECLARATIONS, RESERVATIONS, EXTENSION OF APPLICATION, OBJECTIONS AND COMMUNICATIONS

A. Declarations and reservations

AFGHANISTAN

Upon signature

The Government of the Republic of Afghanistan reserves the right to express, upon ratifying the Convention, reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shariah and the local legislation in effect.

ALGERIA

Interpretative Declarations

1. Article 14, paragraphs 1 and 2

The provisions of paragraphs 1 and 2 of article 14 shall be interpreted by the Algerian Government in compliance with the basic foundations of the Algerian legal system, in particular:

- With the Constitution, which stipulates in its article 2 that Islam is the State religion and in its article 35 that there shall be no infringement of the inviolability of the freedom of conviction and the inviolability of the freedom of opinion;

- With Law No. 84-11 of 9 June 1984, comprising the Family Code, which stipulates that a child's education is to take place in accordance with the religion of its father.

2. Articles 13, 16 and 17

Articles 13, 16 and 17 shall be applied while taking account of the interest of the child and the need to safeguard its physical and mental integrity. In this framework, the Algerian Government shall interpret the provisions of these articles while taking account of:

- The provisions of the Penal Code, in particular those sections relating to breaches of public order, to public decency and to the incitement of minors to immorality and debauchery;

- The provisions of Law No. 90-07 of 3 April 1990, comprising the Information Code, and particularly its article 24 stipulating that "the director of a publication destined for children must be assisted by an educational advisory body";

- Article 26 of the same Code, which provides that "national and foreign periodical and specialized publications, whatever their nature or purpose, must not contain any illustration, narrative,

information or insertion contrary to Islamic morality, national values or human rights or advocate racism, fanaticism and treason ... Further, such publications must contain no publicity or advertising that may promote violence and delinquency."

ARGENTINA

Upon signature

Reservation

The Argentine Republic enters a reservation to subparagraphs (b), (c), (d) and (e) of article 21 of the Convention on the Rights of the Child and declares that those subparagraphs shall not apply in areas within its jurisdiction because, in its view, before they can be applied a strict mechanism must exist for the legal protection of children in matters of intercountry adoption, in order to prevent trafficking in and the sale of children.

Declarations

Concerning article 1 of the Convention, the Argentine Republic declares that the article must be interpreted to the effect that a child means every human being from the moment of conception up to the age of 18.

Concerning article 38 of the Convention, the Argentine Republic declares that it would have liked the Convention categorically to prohibit the use of children in armed conflicts; such a prohibition exists in its domestic law which, by virtue of article 41 of the Convention, it shall continue to apply in this regard.

Upon ratification

Reservation

The Argentine Republic enters a reservation to subparagraphs (b), (c), (d) and (e) of article 21 of the Convention on the Rights of the Child and declares that those subparagraphs shall not apply in areas within its jurisdiction because, in its view, before they can be applied a strict mechanism must exist for the legal protection of children in matters of intercountry adoption, in order to prevent trafficking in and the sale of children.

Declarations

Concerning article 1 of the Convention, the Argentine Republic declares that the article must be interpreted to the effect that a child means every human being from the moment of conception up to the age of 18.

Concerning subparagraph (f) of article 24 of the Convention, the Argentine Republic considers that questions relating to family planning are the exclusive concern of parents in accordance with ethical and moral

principles and understands it to be a State obligation, under this article, to adopt measures providing guidance for parents and education for responsible parenthood.

Concerning article 38 of the Convention, the Argentine Republic declares that it would have liked the Convention categorically to prohibit the use of children in armed conflicts; such a prohibition exists in its domestic law which, by virtue of article 41 of the Convention, it shall continue to apply in this regard.

AUSTRALIA

Australia accepts the general principles of article 37. In relation to the second sentence of paragraph (c), the obligation to separate children from adults in prison is accepted only to the extent that such imprisonment is considered by the responsible authorities to be feasible and consistent with the obligation that children be able to maintain contact with their families, having regard to the geography and demography of Australia. Australia, therefore, ratifies the Convention to the extent that it is unable to comply with the obligation imposed by article 37 (c).

AUSTRIA

Reservations

1. Article 13 and article 15 of the Convention will be applied provided that they will not affect legal restrictions in accordance with article 10 and article 11 of the European Convention on the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

2. Article 17 will be applied to the extent that it is compatible with the basic rights of others, in particular with the basic rights of freedom of information and freedom of press.

Declarations

1. Austria will not make any use of the possibility provided for in article 38, paragraph 2, to determine an age limit of 15 years for taking part in hostilities as this rule is incompatible with article 3, paragraph 1, which determines that the best interests of the child shall be a primary consideration.

2. Austria declares, in accordance with its constitutional law, to apply article 38, paragraph 3, provided that only male Austrian citizens are subject to compulsory military service.

BAHAMAS

<u>Upon signature and confirmed upon ratification</u>

The Government of the Commonwealth of the Bahamas upon signing the Convention reserves the right not to apply the provisions of article 2 of the

said Convention in so far as those provisions relate to the conferment of citizenship upon a child having regard to the provisions of the Constitution of the Commonwealth of the Bahamas.

BANGLADESH

The Government of the People's Republic of Bangladesh hereby enter our reservations on article 14, paragraph 1.

Also, article 21 would apply subject to the existing laws and practices in Bangladesh.

BELGIUM

Declarations

With regard to article 2, paragraph 1, according to the interpretation of the Belgian Government non-discrimination on grounds of national origin does not necessarily imply the obligation for States automatically to guarantee foreigners the same rights as their nationals. This concept should be understood as designed to rule out all arbitrary conduct but not differences in treatment based on objective and reasonable considerations, in accordance with the principles prevailing in democratic societies.

Articles 13 and 15 shall be applied by the Belgian Government within the context of the provisions and limitations set forth or authorized by the said Convention in articles 10 and 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

The Belgian Government declares that it interprets article 14, paragraph 1, as meaning that, in accordance with the relevant provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, the right of the child to freedom of thought, conscience and religion implies also the freedom to choose his or her religion or belief.

With regard to article 40, paragraph 2 (b) (v), the Belgian Government considers that the expression "according to law" at the end of that provision means that:

(a) This provision shall not apply to minors who, under Belgian law, are declared guilty and are sentenced in a higher court following an appeal against their acquittal in a court of first instance;

(b) This provision shall not apply to minors who, under Belgian law, are referred directly to a higher court such as the Court of Assize.

BOSNIA AND HERZEGOVINA

Reservation

The Republic of Bosnia and Herzegovina reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Bosnia and Herzegovina provides for the right of the competent authorities (guardianship authorities) to determine on separation of a child from his/her parents without a previous judicial review.

BOTSWANA

Reservation

The Government of the Republic of Botswana enters a reservation with regard to the provisions of article 1 of the Convention and does not consider itself bound by the same in so far as such may conflict with the Laws and Statutes of Botswana.

CANADA

Reservation

With a view to ensuring full respect for the purposes and intent of article 20 (3) and article 30 of the Convention, the Government of Canada reserves the right not to apply the provisions of article 21 to the extent that they may be inconsistent with customary forms of care among aboriginal peoples in Canada.

The Government of Canada accepts the general principles of article 37 (c) of the Convention, but reserves the right not to detain children separately from adults where this is not appropriate or feasible.

Declaration

It is the understanding of the Government of Canada that, in matters relating to aboriginal peoples of Canada, the fulfilment of its responsibilities under article 4 of the Convention must take into account the provisions of article 30. In particular, in assessing what measures are appropriate to implement the rights recognized in the Convention for aboriginal children, due regard must be paid to not denying their right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion and to use their own language.

CHINA

Reservation

[T]he People's Republic of China shall fulfil its obligations provided by article 6 of the Convention to the extent that the Convention is consistent with the provisions of article 25 concerning family planning of the Constitution of the People's Republic of China and with the provisions of article 2 of the Law of Minor Children of the People's Republic of China.

COLOMBIA

Upon signature

The Government of Colombia considers that, while the minimum age of 15 years for taking part in armed conflicts, set forth in article 38 of the Convention, is the outcome of serious negotiations which reflect various legal, political and cultural systems in the world, it would have been preferable to fix that age at 18 years in accordance with the principles and norms prevailing in various regions and countries, including Colombia, for which reason the Government of Colombia, for the purposes of article 38 of the Convention, shall construe the age in question to be 18 years.

Upon ratification

The Government of Colombia, pursuant to article 2, paragraph 1 (d), of the Vienna Convention on the Law of Treaties of 23 May 1969, declares that for the purposes of article 38, paragraphs 2 and 3, of the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, the age referred to in the said paragraphs shall be understood to be 18 years, given the fact that, under Colombian law, the minimum age for recruitment into the armed forces of personnel called for military service is 18 years.

CROATIA

Upon succession

Reservation

The Republic of Croatia reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Croatia provides for the right of competent authorities (Centres for Social Work) to determine on separation of a child from his/her parents without a previous judicial review.

CUBA

Upon ratification

Declaration

With reference to article 1 of the Convention, the Government of the Republic of Cuba declares that in Cuba, under the domestic legislation in force, majority is not attained at 18 years of age for purposes of the full exercise of civic rights.

CZECH REPUBLIC

The Government of the Czech Republic interprets the provision of article 7, paragraph 1, of the Convention as follows:

> In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife, on the one hand, and the donor, on the other, remain unknown to each other, the non-communication of a natural parent's name or natural parents' names to the child is not in contradiction with this provision.

DENMARK

Upon ratification

Declaration

Until further notice the Convention shall not apply to Greenland and the Faeroe Islands*.

Reservation

Article 40, paragraph 2 (b) (v), shall not be binding on Denmark:

> It is a fundamental principle in the Danish Administration of Justice Act that everybody shall be entitled to have any penal measures imposed on him or her by a court of first instance reviewed by a higher court. There are, however, some provisions limiting this right in certain cases, for instance verdicts returned by a jury on the question of guilt, which have not been reversed by the legally trained judges of the court.

DJIBOUTI

Upon ratification

[The Government of the Republic of Djibouti] hereby formally declares its accession to the Convention and pledges, on behalf of the Republic of Djibouti, to adhere to it conscientiously and at all times, except that it shall not consider itself bound by any provisions or articles that are incompatible with its religion and its traditional values.

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* See the notification of withdrawal of this declaration in part B below.

EGYPT

Upon signature and confirmed upon ratification

The Arab Republic of Egypt,

Considering that the Islamic Shariah is the fundamental source of legislation in Egyptian positive law and that, under the said Shariah, it is obligatory to provide all means of protection and care to children by diverse ways and means, not including, however, the system of adoption established in certain other bodies of positive law,

Expresses its reservation with respect to all the clauses and provisions relating to adoption in this Convention, and in particular to those parts of articles 20 and 21 of the Convention which concern adoption.

FRANCE

Upon signature and confirmed upon ratification

Declaration

The Government of the French Republic declares that this Convention, particularly article 6, cannot be interpreted as constituting any obstacle to the implementation of the provisions of French legislation relating to the voluntary interruption of pregnancy.

The Government of the Republic declares that, in the light of article 2 of the Constitution of the French Republic, article 30 is not applicable in so far as the Republic is concerned.

Reservation

The Government of the Republic construes article 40, paragraph 2 (b) (v), as establishing a general principle to which limited exceptions may be made under law. This is particularly the case for certain non-appealable offences tried by the Police Court and for offences of a criminal nature. None the less, the decisions handed down by the final court of jurisdiction may be appealed before the Court of Cassation, which shall rule on the legality of the decision taken.

GERMANY

Upon signature

The Government of the Federal Republic of Germany reserves the right to make, upon ratification, such declarations as it considers necessary, especially with regard to the interpretation of articles 9, 10, 18 and 22*.

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* See footnote contained in chap. I, p. 5.

Upon ratification

Declarations

The Government of the Federal Republic of Germany declares that it welcomes the Convention on the Rights of the Child as a milestone in the development of international law and that it will take the opportunity afforded by the ratification of the Convention to initiate reforms in its domestic legislation that are in keeping with the spirit of the Convention and that it considers appropriate, in line with article 3 (2) of the Convention, to ensure the well-being of the child. The planned measures include, in particular, a revision of the law on parental custody in respect of children whose parents have not married, are permanently living apart while still married, or are divorced. The principal aim will be to improve the conditions for the exercise of parental custody by both parents in such cases as well. The Federal Republic of Germany also declares that domestically the Convention does not apply directly. It establishes State obligations under international law that the Federal Republic of Germany fulfils in accordance with its national law, which conforms with the Convention.

The Government of the Federal Republic of Germany is of the opinion that article 18 (1) of the Convention does not imply that by virtue of the entry into force of this provision parental custody, automatically and without taking into account the best interests of the respective child, applies to both parents even in the case of children whose parents have not married, are permanently living apart while still married, or are divorced. Such an interpretation would be incompatible with article 3 (1) of the Convention. The situation must be examined on a case-by-case basis, particularly where the parents cannot agree on the joint exercise of custody.

The Federal Republic of Germany therefore declares that the provisions of the Convention are also without prejudice to the provisions of national law concerning:

(a) Legal representation of minors in the exercise of their rights;

(b) Rights of custody and access in respect of children born in wedlock;

(c) Circumstances under family and inheritance law of children born out of wedlock;

This applies irrespective of the planned revision of the law on parental custody, the details of which remain within the discretion of the national legislator.

In addition, the Federal Republic of Germany confirms the declaration it made in Geneva on 23 February 1989:

Nothing in the Convention may be interpreted as implying that unlawful entry by an alien into the territory of the Federal Republic of Germany or his unlawful stay there is permitted; nor may any provision be interpreted to mean that it restricts the right of the Federal Republic of Germany to pass laws and regulations concerning the entry of aliens and the conditions of their stay or to make a distinction between nationals and aliens.

The Government of the Federal Republic of Germany regrets the fact that under article 38 (2) of the Convention even 15-year-olds may take a part in hostilities as soldiers, because this age limit is incompatible with the consideration of a child's best interest (art. 3 (1) of the Convention). It declares that it will not make any use of the possibility afforded by the Convention of fixing this age limit at 15 years.

Reservation

In accordance with the reservations made by it with respect to the parallel guarantees of the International Covenant on Civil and Political Rights, the Federal Republic of Germany declares in respect of article 40 (2) (b) (ii) and (v) of the Convention that these provisions shall be applied in such a way that, in the case of minor infringement of the penal law, there shall not in each and every case exist:

(a) A right to have "legal or other appropriate assistance" in the preparation and presentation of the defence, and/or

(b) An obligation to have a sentence not calling for imprisonment reviewed by a higher competent authority or judicial body.

HOLY SEE

Reservation

The Holy See, in conformity with the dispositions of article 51, [ratifies] the Convention on the Rights of the Child with the following reservations:

(a) That it interprets the phrase "family planning education and services" in article 24 (2) to mean only those methods of family planning which it considers morally acceptable, that is, the natural methods of family planning;

(b) That it interprets the articles of the Convention in a way which safeguards the primary and inalienable rights of parents, in particular in so far as these rights concern education (arts. 13 and 28), religion (art. 14), association with others (art. 15) and privacy (art. 16);

(c) That the application of the Convention be compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art. 1, Law of 7 June 1929, n. 11) and, in consideration of its limited extent, with its legislation in the matters of citizenship, access and residence.

Declaration

The Holy See regards the present Convention as a proper and laudable instrument aimed at protecting the rights and interest of children, who are "that precious treasure given to each generation as a challenge to its wisdom and humanity" (Pope John Paul II, 26 April 1984).

The Holy See recognizes that the Convention represents an enactment of principles previously adopted by the United Nations and, once effective as a ratified instrument, will safeguard the rights of the child before as well as after birth, as expressly affirmed in the Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV) of 20 November 1959) and restated in the ninth preambular paragraph of the Convention. The Holy See remains confident that the ninth preambular paragraph will serve as the perspective through which the rest of the Convention will be interpreted, in conformity with article 31 of the Vienna Convention on the Law of Treaties of 23 May 1969.

By acceding to the Convention on the Rights of the Child, the Holy See intends to give renewed expression to its constant concern for the well-being of children and families. In consideration of its singular nature and position, the Holy See, in acceding to this Convention, does not intend to prescind in any way from its specific mission which is of a religious and moral character.

ICELAND

Declarations

1. With respect to article 9, under Icelandic law the administrative authorities can take final decisions in some cases referred to in the article. These decisions are subject to judicial review in the sense that it is a principle of Icelandic law that courts can nullify administrative decisions if they conclude that they are based on unlawful premises. This competence of the courts to review administrative decisions is based on article 60 of the Constitution.

2. With respect to article 37, the separation of juvenile prisoners from adult prisoners is not obligatory under Icelandic law. However, the law relating to prisons and imprisonment provides that when deciding in which penal institution imprisonment is to take place account should be taken of, inter alia, the age of the prisoner. In light of the circumstances prevailing in Iceland it is expected that decisions on the imprisonment of juveniles will always take account of the juvenile's best interest.

INDIA

While fully subscribing to the objectives and purposes of the Convention, realizing that certain of the rights of the child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international cooperation; recognizing that the child has to be protected from exploitation of all forms including economic

exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum ages for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India - the Government of India undertakes to take measures to progressively implement the provisions of Article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party.

INDONESIA

The 1945 Constitution of the Republic of Indonesia guarantees the fundamental rights of the child irrespective of its sex, ethnic origin or race. The Constitution prescribes those rights to be implemented by national laws and regulations.

The ratification of the Convention on the Rights of the Child by the Republic of Indonesia does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution.

With reference to the provisions of articles 1, 14, 16, 17, 21, 22 and 29 of this Convention, the Government of the Republic of Indonesia declares that it will apply these articles in conformity with its Constitution.

IRAN (ISLAMIC REPUBLIC OF)

Upon signature

Reservation

In signing this Convention the Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and reserves the right to make such particular declaration, upon its ratification.

Upon ratification

[T]he Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the internal legislation in effect.

IRELAND

Upon signature

Ireland reserves the right to make, when ratifying the Convention, such declarations or reservations as it may consider necessary.

JAPAN

Reservation

In applying paragraph (c) of article 37 of the Convention on the Rights of the Child, Japan reserves the right not to be bound by the provision in its second sentence, that is, "every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so", considering the fact that in Japan as regards persons deprived of liberty, those who are below 20 years of age are to be generally separated from those who are of 20 years of age and over under its national law.

Declarations

The Government of Japan declares that paragraph 1 of article 9 of the Convention on the Rights of the Child be interpreted not to apply to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law.

The Government of Japan declares further that the obligation to deal with applications to enter or leave a State party for the purpose of family reunification "in a positive, humane and expeditious manner" provided for in paragraph 1 of article 10 of the Convention on the Rights of the Child be interpreted not to affect the outcome of such applications.

JORDAN

The Hashemite Kingdom of Jordan expresses its reservation and does not consider itself bound by articles 14, 20 and 21 of the Convention, which grant the child the right to freedom of choice of religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic Shariah.

KUWAIT

Upon signature

[Kuwait expresses] reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shariah and the local statutes in effect.

Upon ratification

Declarations

The State of Kuwait understands the concept of article 7 to signify the right of the child who was born in Kuwait and whose parents are unknown (parentless) to be granted Kuwaiti nationality as stipulated by the Kuwaiti Nationality Laws.

With respect to article 21 the State of Kuwait, as it adheres to the provision of the Islamic Shariah as the main source of legislation, strictly bans abandoning the Islamic religion and does not therefore approve adoption.

In accordance with its article 49 (2), the Convention will enter into force for Kuwait on the thirtieth day after the date of deposit of the instrument, i.e. on 20 November 1991.

LUXEMBOURG

Reservations

1. The Government of Luxembourg believes that it is in the interest of families and children to maintain the provision of article 334-6 of the Civil Code, which reads as follows:

Article 334-6. If at the time of conception, the father or mother was bound in marriage to another person, the natural child may be raised in the conjugal home only with the consent of the spouse of his parent.

2. The Government of Luxembourg declares that the present Convention does not require modification of the legal status of children born to parents between whom marriage is absolutely prohibited, such status being warranted by the interest of the child, as provided under article 3 of the Convention.

3. The Government of Luxembourg declares that article 6 of the present Convention presents no obstacle to implementation of the provisions of Luxembourg legislation concerning sex information, the prevention of back-street abortion and the regulation of pregnancy termination.

4. The Government of Luxembourg believes that article 7 of the Convention presents no obstacle to the legal process in respect of anonymous births, which is deemed to be in the interest of the child, as provided under article 3 of the Convention.

5. The Government of Luxembourg declares that article 15 of the present Convention does not impede the provisions of Luxembourg legislation concerning the capacity to exercise rights.

MALAYSIA

Reservation

The Government of Malaysia accepts the provisions of the Convention on the Rights of the Child but expresses reservations with respect to articles 1, 2, 7, 13, 14, 15, 22, 28, 37, 40 paragraphs 3 and 4, 44 and 45 of the Convention and declares that the said provisions shall be applicable only if they are in conformity with the Constitution, national laws and national policies of the Government of Malaysia.

MALDIVES

Upon signature and confirmed upon ratification

Since the Islamic Shariah is one of the fundamental sources of Maldivian Law and since Islamic Shariah does not include the system of adoption among the ways and means for the protection and care of children contained in

Shariah, the Government of the Republic of Maldives expresses its reservations with respect to all the clauses and provisions relating to adoption in the said Convention on the Rights of the Child.

The Government of the Republic of Maldives expresses its reservation to paragraph 1 of article 14 of the said Convention on the Rights of the Child, since the Constitution and the laws of the Republic of Maldives stipulate that all Maldivians should be Muslims.

MALI

The Government of the Republic of Mali declares that, in view of the provisions of the Mali Family Code, there is no reason to apply article 16 of the Convention.

MALTA

The Government of Malta is bound by the obligations arising from article 26 to the extent of present social security legislation.

MAURITIUS

The Government of Mauritius, having considered the Convention on the Rights of the Child hereby accedes to it with express reservation with regard to article 22 of the said Convention.

MONACO

Declaration and reservation

The Principality of Monaco declares that this Convention, especially article 7, shall not affect the rules laid down in Monegasque legislation regarding nationality.

The Principality of Monaco interprets article 40, paragraph 2 (b) (v) as stating a general principle which has a number of statutory exceptions. Such, for example, is the case with respect to certain criminal offences. In any event, in all matters the Judicial Review Court rules definitively on appeals against all decisions of last resort.

MOROCCO

Reservation

The Kingdom of Morocco, whose Constitution guarantees to all the freedom to pursue his religious affairs, makes a reservation to the provisions of article 14, which accords children freedom of religion, in view of the fact that Islam is the State religion.

MYANMAR

Article 15

The Union of Myanmar interprets the expression "the law" in article 15, paragraph 2, to mean the laws, as well as the decrees and executive orders having the force of law, which are for the time being in force in the Union of Myanmar.

The Union of Myanmar understands that such restrictions on freedom of association and freedom of peaceful assembly imposed in conformity with the said laws, decrees and executive orders as are required by the exigencies of the situation obtaining in the Union of Myanmar are permissible under article 15, paragraph 2.

The Union of Myanmar interprets the expression "national security" in the same paragraph as encompassing the supreme national interest, namely, the non-disintegration of the Union, the non-disintegration of national solidarity and the perpetuation of national sovereignty, which constitute the paramount national causes of the Union of Myanmar.*

Article 37

The Union of Myanmar accepts in principle the provisions of article 37 as they are in consonance with its laws, rules, regulations, procedures and practice as well as with its traditional, cultural and religious values. However, having regard to the exigencies of the situation obtaining in the country at present, the Union of Myanmar states as follows:

Nothing contained in article 37 shall prevent, or be construed as preventing, the Government of the Union of Myanmar from assuming or exercising, in conformity with the laws for the time being in force in the country and the procedures established thereunder, such powers as are required by the exigencies of the situation for the preservation and strengthening of the rule of law, the maintenance of public order (ordre public) and, in particular, the protection of the supreme national interest, namely, the non-disintegration of the Union, the non-disintegration of national solidarity and the perpetuation of national sovereignty, which constitute the paramount national causes of the Union of Myanmar.

Such powers shall include the powers of arrest, detention, imprisonment, exclusion, interrogation, inquiry and investigation.

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* See the notification of withdrawal of these reservations in part B below

NETHERLANDS

Reservations

Article 26

The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including social insurance.

Article 37

The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met.

Article 40

The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence.

Declarations

Article 14

It is the understanding of the Government of the Kingdom of the Netherlands that article 14 of the Convention is in accordance with the provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity.

Article 22

With regard to article 22 of the Convention, the Government of the Kingdom of the Netherlands declares:

(a) That it understands the term "refugee" in paragraph 1 of this article as having the same meaning as in article 1 of the Convention relating to the Status of Refugees of 28 July 1951; and

(b) That it is of the opinion that the obligation imposed under the terms of this article does not prevent

The submission of a request for admission from being made subject to certain conditions, failure to meet such conditions resulting in inadmissibility;

The referral of a request for admission to a third State, in the event that such a State is considered to be primarily responsible for dealing with the request for asylum.

Article 38

With regard to article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States should not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above 15 years.

In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in article 41 of the Convention.

NEW ZEALAND

Reservations

Nothing in this Convention shall affect the right of the Government of New Zealand to continue to distinguish as it considers appropriate in its law and practice between persons according to the nature of the authority to be in New Zealand including but not limited to their entitlement to benefits and other protections described in the Convention, and the Government of New Zealand reserves the right to interpret and apply the Convention accordingly.

The Government of New Zealand considers that the rights of the child provided for in article 32 (1) are adequately protected by its existing law. It therefore reserves the right not to legislate further or to take additional measures as may be envisaged in article 32 (2).

The Government of New Zealand reserves the right not to apply article 37 (c) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 37 (c) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.

Declaration

The Government of New Zealand ... declares that such ratification shall extend to Tokelau only upon notification to the Secretary-General of the United Nations of such extension.

NORWAY

The instrument of ratification by the Government of Norway contains a reservation in respect of article 40, paragraph 2 (b) (v), in accordance with article 51, paragraph 1, of the Convention.

PAKISTAN

Upon signature and confirmed upon ratification

The provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values.

POLAND

Reservations

In ratifying the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, the Republic of Poland, in accordance with the provision contained in article 51, paragraph 1, of the Convention, registers the following reservations:

(a) With respect to article 7 of the Convention, the Republic of Poland stipulates that the right of an adopted child to know its natural parents shall be subject to the limitations imposed by binding legal arrangements that enable adoptive parents to maintain the confidentiality of the child's origin;

(b) The law of the Republic of Poland shall determine the age from which call-up to military or similar service and participation in military operations are permissible. That age limit may not be lower than the age limit set out in article 38 of the Convention.

Declarations

The Republic of Poland considers that a child's rights as defined in the Convention, in particular the rights defined in articles 12 to 16, shall be exercised with respect for parental authority, in accordance with Polish customs and traditions regarding the place of the child within and outside the family.

With respect to article 24, paragraph 2 (f), of the Convention, the Republic of Poland considers that family planning and education services for parents should be in keeping with the principles of morality.

QATAR

Upon signature

The State of Qatar wishes to make a general reservation with regard to those provisions of the Convention which are incompatible with Islamic Law.

Upon ratification

[The State of Qatar] enter(s) a ... general reservation by the State of Qatar in respect of any provisions that conflict with the provisions of the Islamic Shariah.

REPUBLIC OF KOREA

Reservation

The Republic of Korea considers itself not bound by the provisions of paragraph 3 of article 9, paragraph (a) of article 21 and subparagraph (b) (v) of paragraph 2 of article 40.

SAMOA

Reservation

[T]he Government of Western Samoa whilst recognizing the importance of providing free primary education as specified under article 28 (1) (a) of the Convention on the Rights of the Child,

And being mindful of the fact that the greater portion of schools within Western Samoa that provide primary education are controlled by bodies outside the control of the Government,

Pursuant then to article 51 the Government of Western Samoa thus reserves the right to allocate resources to the primary level sector of education in Western Samoa in contrast to the requirement of article 28 (1) (a) to provide free primary education.

SLOVENIA

Reservation

The Republic of Slovenia reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Slovenia provides for the right of competent authorities (centres for social work) to determine on separation of a child from his/her parents without a previous judicial review.

SPAIN

Spain understands that article 21, paragraph (d), of the Convention may never be construed to permit financial benefits other than those needed to cover strictly necessary expenditure which may have arisen from the adoption of children residing in another country.

Spain, wishing to make common cause with those States and humanitarian organizations which have manifested their disagreement with the contents of article 38, paragraphs 2 and 3, of the Convention, also wishes to express its disagreement with the age limit fixed therein and to declare that the said limit appears insufficient, by permitting the recruitment and participation in armed conflict of children having attained the age of 15 years.

SYRIAN ARAB REPUBLIC

Reservation

The Syrian Arab Republic has reservations on the provisions of the Convention which are not in conformity with the legislation of the Syrian Arab Republic and with the principles of Islamic Shariah, in particular the content of article 14 related to the right of the child to freedom of religion, and articles 2 and 21 concerning adoption.

THAILAND

Reservation

The application of articles 7, 22 and 29 of the Convention on the Rights of the Child shall be subject to the national laws, regulations and prevailing practices in Thailand.

TUNISIA

Reservation

The Government of the Republic of Tunisia enters a reservation with regard to the provisions of article 2 of the Convention, which may not impede implementation of the provisions of its national legislation concerning personal status, particularly in relation to marriage and inheritance rights.

The Government of the Republic of Tunisia regards the provisions of article 40, paragraph 2 (b) (v), as representing a general principle to which exceptions may be made under national legislation, as is the case for some offences on which final judgement is rendered by cantonal or criminal courts without prejudice to the right of appeal in their regard to the Court of Cassation entrusted with ensuring the implementation of the law.

The Government of the Republic of Tunisia considers that article 7 of the Convention cannot be interpreted as prohibiting the implementation of the provisions of national legislation relating to nationality and, in particular, to cases in which it is forfeited.

Declarations

The Government of the Republic of Tunisia declares that it shall not, in implementing this Convention, adopt any legislative or statutory decision that conflicts with the Tunisian Constitution.

The Government of the Republic of Tunisia declares that its undertaking to implement the provisions of this Convention shall be limited by the means at its disposal.

The Government of the Republic of Tunisia declares that the Preamble to and the provisions of the Convention, in particular article 6, shall not be interpreted in such a way as to impede the application of Tunisian legislation concerning voluntary termination of pregnancy.

TURKEY

Upon signature and confirmed upon ratification

The Republic of Turkey reserves the right to interpret and to apply the provisions of articles 17, 29 and 30 of the Convention on the Rights of the Child according to the letter and spirit of the Constitution of the Republic of Turkey and of the Treaty of Lausanne of 24 July 1923.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Upon signature

The United Kingdom reserves the right to formulate, upon ratifying the Convention, any reservations or interpretative declarations which it might consider necessary.

Upon ratification

Reservation and Declarations

The United Kingdom interprets the Convention as applicable only following a live birth.

The United Kingdom interprets the references in the Convention to "parents" to mean only those persons who, as a matter of national law, are treated as parents. This includes cases where the law regards a child as having only one parent, for example where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.

The United Kingdom reserves the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time.

Employment legislation in the United Kingdom does not treat persons under 18, but over the school-leaving age as children, but as "young people". Accordingly the United Kingdom reserves the right to continue to apply article 32 subject to such employment legislation.

Where at any time there is a lack of suitable accommodation or adequate facilities for a particular individual in any institution in which young offenders are detained, or where the mixing of adults and children is deemed to be mutually beneficial, the United Kingdom reserves the right not to apply article 37 (c) in so far as those provisions require children who are detained to be accommodated separately from adults.

In Scotland there are tribunals (known as "children's hearings") which consider the welfare of the child and deal with the majority of offences which

a child is alleged to have committed. In some cases, mainly of a welfare nature, the child is temporarily deprived of its liberty for up to seven days prior to attending the hearing. The child and its family are, however, allowed access to a lawyer during this period. Although the decisions of the hearings are subject to appeal to the courts, legal representation is not permitted at the proceedings of the children's hearings themselves. Children's hearings have proved over the years to be a very effective way of dealing with the problems of children in a less formal, non-adversarial manner. Accordingly, the United Kingdom, in respect of article 37 (d), reserves its right to continue the present operation of children's hearings.

Moreover, the instrument by the United Kingdom of Great Britain and Northern Ireland contains the following declaration:

> ... [The Government of the United Kingdom reserves] the right to extend the Convention at a later date to any territory for whose international relations the Government of the United Kingdom is responsible ...

URUGUAY

Upon signature

On signing this Convention, Uruguay, reaffirms the right to make reservations upon ratification, if it considers it appropriate.

Upon ratification

With reference to the declaration submitted on the occasion of the signing, on 26 January 1990, of the Convention on the Rights of the Child, adopted by that Government on 6 December 1989, the Government of the Eastern Republic of Uruguay affirms, in regard to the provisions of article 38, paragraphs 2 and 3, that in accordance with Uruguayan law it would have been desirable for the lower age limit for taking a direct part in hostilities in the event of an armed conflict to be set at 18 years instead of 15 years as provided in the Convention.

Furthermore, the Government of Uruguay declares that, in the exercise of its sovereign will, it will not authorize any persons under its jurisdiction who have not attained the age of 18 years to take a direct part in hostilities and will not under any circumstances recruit persons who have not attained the age of 18 years.

VENEZUELA

The Government of Venezuela understands article 21 (b) as referring to international adoption and in no circumstances to placement in a foster home outside the country. It is also its view that the provision cannot be interpreted to the detriment of the State's obligation to ensure due protection of the child.

Regarding article 21 (d), the Government of Venezuela takes the position that neither the adoption nor the placement of children should in any circumstances result in financial gain for those in any way involved in it.

The Government of Venezuela takes the position that article 30 must be interpreted as a case in which article 2 of the Convention applies.

YUGOSLAVIA

The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1, of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the Socialist Federal Republic of Yugoslavia.

B. Withdrawal of reservations

DENMARK

On 11 May 1993, the Government of Denmark notified the Secretary-General of its decision to withdraw its reservation, made upon ratification, according to which the Convention should not until further notice apply to Greenland and the Faeroe Islands.

MYANMAR

On 19 October 1993, the Government of Myanmar notified the Secretary-General of its decision to withdraw the reservations, made upon accession on 15 July 1991, with respect to articles 15 and 37*.

C. Extension of application

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

On 7 September 1994, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland a notification to the effect that the application of the above-mentioned Convention is extended to the following territories:

The Isle of Man
Anguilla
Bermuda
British Virgin Islands
Cayman Islands
Falkland Islands
Hong Kong
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St. Helena, St. Helena Dependencies
South Georgia and the South Sandwich Islands
Turks and Caicos Islands.

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* For the text of these reservations see part A above.

The extension is subject to the following reservation and declarations:

The United Kingdom refers to the reservation and declarations (a), (b) and (c) which accompanied its instrument of ratification and makes a similar reservation and declarations in respect of each of its dependent territories.

The United Kingdom, in respect of each of its dependent territories except Hong Kong and Pitcairn, reserves the right to apply article 32 subject to the laws of those territories which treat certain persons under 18 not as children but as "young people". In respect of Hong Kong, the United Kingdom reserves the right not to apply article 32 (b) in so far as it might require regulation of the hours of employment of young persons who have attained the age of 15 years in respect of work in non-industrial establishments.

Where at any time there is a lack of suitable detention facilities or where the mixing of adults and children is deemed to be mutually beneficial, the United Kingdom, in respect of each of its dependent territories, reserves the right not to apply article 37 (c) in so far as those provisions require children who are detained to be accommodated separately from adults.

The United Kingdom, in respect of Hong Kong and the Cayman Islands, will seek to apply the Convention to the fullest extent to children seeking asylum in those territories except in so far as conditions and resources make full implementation impracticable. In particular, in relation to article 22, the United Kingdom reserves the right to continue to apply any legislation in those territories governing the detention of children seeking refugee status, the determination of their status and their entry into, stay in and departure from those territories.

The Government of the United Kingdom reserves the right to extend the Convention at a later date to any other territories for whose international relations the Government of the United Kingdom is responsible.

(For ease of reference, the United Kingdom's instrument of ratification of the Convention was accompanied by, inter alia, the following reservation and declarations:

(a) The United Kingdom interprets the Convention as applicable only following a live birth.

(b) The United Kingdom interprets the references in the Convention to "parents" to mean only those persons who, as a matter of national law, are treated as parents. This includes cases where the law regards a child as having only one parent, for example, where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.

(c) The United Kingdom reserves the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time.)

The extension to the said territories took effect on 7 September 1994, i.e. the date of receipt of the said notification.

D. Objections to reservations, declarations and extension of application

ARGENTINA

[3 April 1995]

The Government of Argentina rejects the extension of the application of the Convention on the Rights of the Child, done in New York on 20 November 1989, to the Malvinas Islands, South Georgia and the South Sandwich Islands, effected by the United Kingdom of Great Britain and Northern Ireland on 7 September 1994, and reaffirms its sovereignty over those islands, which are an integral part of its national territory.

FINLAND

[25 July 1991]

The Government of Finland has taken note of the reservation made by the Republic of Indonesia upon ratification of the said Convention, by which Indonesia expresses that "With reference to the provisions of articles 1, 14, 16, 17, 21, 22 and 29 of this Convention, the Government of the Republic of Indonesia declares that it will apply these articles in conformity with its Constitution".

In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty. For the above reason the Government of Finland objects to the said reservation. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the said Convention between Finland and the Republic of Indonesia.

The Government of Finland has taken note of the reservation made by Pakistan upon signature of the said Convention, by which Pakistan expresses that "Provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values".

In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to

perform a treaty. For the above reason the Government of Finland objects to the said reservation. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the said Convention between Finland and Pakistan.

[9 June 1993]

The Government of Finland has examined the contents of the reservation made by Jordan upon ratification, by which Jordan states "The Hashemite Kingdom of Jordan expresses its reservation and does not consider itself bound by articles 14, 20 and 21 of the Convention, which grant the child the right of freedom of choice of religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic Shariah".

In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke general principles of national law as justification for failure to perform its treaty obligations. For the above reason the Government of Finland objects to the said reservations. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the said Convention between Finland and Jordan.

The Government of Finland has examined the contents of the reservation made by Qatar upon signature of the said Convention, by which Qatar expresses that "The State of Qatar wishes to make a general reservation with regard to those provisions of the Convention which are incompatible with Islamic Law".

In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of internal law as justification for failure to perform its treaty obligations. For the above reason the Government of Finland objects to the said reservation. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the said Convention between Finland and Qatar.

[24 June 1994]

The Government of Finland has examined the contents of the reservation made by the Government of the Syrian Arab Republic upon ratification of the said Convention, in which it states: "The Syrian Arab Republic has reservations on the provisions of the Convention which are not in conformity with the legislation of the Syrian Arab Republic and with the principles of the Islamic Shariah, in particular the content of article 14 related to the right of the child to freedom of religion, and articles 2 and 21 concerning adoption."

In view of the Government of Finland, the unlimited and undefined character of the first part of the said reservation creates serious doubts about the commitment of the reserving State to fulfil its obligations under the Convention. In its present formulation the reservation is clearly contrary to the object and purpose of the Convention. Therefore, the Government of Finland objects to such reservation.

The Government of Finland also recalls that the said reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as a justification for failure to perform its treaty obligations.

The Government of Finland does not, however, consider that this objection constitutes an obstacle to the entry into force of the Convention between Finland and the Syrian Arab Republic.

GERMANY

[25 June 1992]

The Federal Republic of Germany considers that the reservations made by the Union of Myanmar regarding articles 15 and 37 of the Convention on the Rights of the Child are incompatible with the object and purpose of the Convention (art. 51, para. 2) and therefore objects to them.

This objection shall not preclude the entry into force of the Convention as between the Union of Myanmar and the Federal Republic of Germany.

[17 March 1993]

The Federal Republic of Germany considers the first of the declarations deposited by the Republic of Tunisia to be a reservation. It restricts the application of the first sentence of article 4 to the effect that any national legislative or statutory decisions adopted to implement the Convention may not conflict with the Tunisian Constitution. Owing to the very general wording of this passage the Government of the Federal Republic of Germany is unable to perceive which provisions of the Convention are covered, or may be covered at some time in the future, by the reservation and in what manner. There is a similar lack of clarity with regard to the reservation relating to article 2.

The Government of the Federal Republic of Germany therefore objects to both these reservations. This objection does not prevent the Convention from entering into force as between the Federal Republic of Germany and the Republic of Tunisia.

[21 September 1994]

The Government of the Federal Republic of Germany has examined the reservation contained in the instrument of ratification of the Government of the Syrian Arab Republic, which reads as follows: "The Syrian Arab Republic has reservations on the provisions of the Convention which are not in conformity with the legislation of the Syrian Arab Republic and with the principles of the Islamic Shariah, in particular the content of article 14 related to the right of the child to the freedom of religion, and articles 2 and 21 concerning adoption."

This reservation, owing to its indefinite nature, does not meet the requirements of international law. The Government of the Federal Republic of Germany therefore objects to the reservation made by the Syrian Arab Republic.

This objection shall not preclude the entry into force of the Convention as between the Syrian Arab Republic and the Federal Republic of Germany.

IRELAND

[28 September 1992]

The Government of Ireland hereby formally makes objection to the reservations made on ratification of the Convention by Bangladesh, Djibouti, Indonesia, Jordan, Kuwait, Myanmar, Pakistan, Thailand, Tunisia, Turkey.

The Government of Ireland considers that such reservations, which seek to limit the responsibilities of the reserving State under the Convention, by invoking general principles of national law, may create doubts as to the commitment of those States to the object and purpose of the Convention.

This objection shall not constitute an obstacle to the entry into force of the Convention between Ireland and the aforementioned States.

ITALY

[18 July 1994]

The Government of Italy has examined the reservation contained in the instrument of ratification of the Government of the Syrian Arab Republic to the Convention on the Rights of the Child which reads as follows:

> "The Syrian Arab Republic has reservations on the provisions of the Convention which are not in conformity with the legislation of the Syrian Arab Republic and with the principles of the Islamic Shariah, in particular the content of article 14 related to the right of the child to freedom of religion, and articles 2 and 21 concerning adoption."

This reservation is too comprehensive and too general to be compatible with the object and purpose of the Convention. The Government of Italy therefore objects to the reservation made by the Syrian Arab Republic.

This objection shall not preclude the entry into force of the Convention between the Syrian Arab Republic and Italy.

NETHERLANDS

[6 February 1995]

With regard to the reservations made by Djibouti, Indonesia, Pakistan, the Syrian Arab Republic and Iran upon ratification:

The Government of the Kingdom of the Netherlands considers that such reservations, which seek to limit the responsibilities of the reserving State under the Convention by invoking general principles of national law, may raise doubts as to the commitment of these States to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which

they have chosen to become parties should be respected, as to object and purpose, by all parties. The Government of the Kingdom of the Netherlands therefore objects to these reservations.

This objection does not constitute an obstacle to the entry into force of the Convention between the Kingdom of the Netherlands and the aforementioned States.

NORWAY

[30 December 1991]

The Government of Norway has examined the contents of the reservation made by the Republic of Djibouti, by which the Republic of Djibouti expresses that "(The Government of the Republic of Djibouti) hereby formally declares its accession to the Convention and pledges, on behalf of the Republic of Djibouti, to adhere to it conscientiously and at all times, except that it shall not consider itself bound by any provisions or articles that are incompatible with its religion and its traditional values."

A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to object and purpose, by all parties. The Government of Norway, therefore, objects to this reservation.

This objection shall not constitute an obstacle to the entry into force of the Convention between Norway and the Republic of Djibouti.

The Government of Norway has examined the contents of the reservation made by the Republic of Indonesia, by which the Republic of Indonesia expresses that "The ratification of the Convention on the Rights of the Child by the Republic of Indonesia does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution" and further "With reference to the provisions of articles 1, 14, 16, 17, 21, 22 and 29 of this Convention, the Government of the Republic of Indonesia declares that it will apply these articles in conformity with its Constitution".

A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to object and purpose, by all parties. The Government of Norway, therefore, objects to this reservation.

This objection shall not constitute an obstacle to the entry into force of the Convention between Norway and the Republic of Indonesia.

The Government of Norway has examined the contents of the reservation made by Pakistan, by which Pakistan expresses that "The provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values".

A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to object and purpose, by all parties. The Government of Norway, therefore, objects to this reservation.

This objection shall not constitute an obstacle to the entry into force of the Convention between Norway and Pakistan.

[25 October 1994]

The Government of Norway has examined the content of the reservation made by the Syrian Arab Republic upon ratification, which reads as follows:

> "The Syrian Arab Republic has reservations on the provisions of the Convention which are not in conformity with the legislation of the Syrian Arab Republic and with the principles of the Islamic Shariah, in particular the content of article 14 related to the right of the child to freedom of religion, and articles 2 and 21 concerning adoption."

In the view of the Government of Norway, a reservation by which a State party limits its responsibilities under the Convention by invoking general principles of internal law may create doubts about the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermine the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to their object and purpose, by all parties. Furthermore, under well established international treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to Syria's reservations.

The Government of Norway does not consider this objection to constitute an obstacle to the entry into force of the above-stated Convention between the Kingdom of Norway and the Syrian Arab Republic.

PORTUGAL

[15 July 1992]

The Government of Portugal considers that reservations by which a State limits its responsibilities under the Convention by invoking general

principles of National Law may create doubts on the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of International Law. It is in the common interest of States that Treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government therefore objects to the reservations.

This objection shall not constitute an obstacle to the entry into force of the Convention between Portugal and Myanmar.

The Government of Portugal furthermore notes that, as a matter of principle, the same objection could be made to the reservations presented by Bangladesh, Djibouti, Indonesia, Kuwait, Pakistan and Turkey.

[13 December 1994]

The Government of Portugal has examined the contents of the reservation made by the Islamic Republic of Iran, according to which the Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic laws and the internal legislation in effect.

A reservation by which a State limits its responsibilities under the Convention in a broad and vague manner and by invoking its internal law may create doubts on the commitments of the reserving State to the object and purpose of the Convention and contribute to undermining the basis of international law. It is the common interest of States that treaties to which they have chosen to become parties also are respected, as to the object and purpose, by all parties. The Government of Portugal therefore objects to this reservation.

This objection shall not constitute an obstacle to the entry into force of the Convention between Portugal and the Islamic Republic of Iran.

SLOVAKIA

[9 August 1993]

The Slovak Republic regards the general reservation made by the State of Qatar upon signature of the Convention on the Rights of the Child as incompatible with the object and purpose of the said Convention as well as in contradiction with the well-established principle of the Law of Treaties according to which a State cannot invoke the provisions of its internal law as justification for its failure to perform its treaty obligations. Therefore, the Slovak Republic objects to the said general reservation.

SWEDEN

[20 September 1991]

The Government of Sweden has examined the contents of the reservation made by the Republic of Indonesia, by which the Republic of Indonesia expresses that "With reference to the provisions of articles 1, 14, 16, 17,

21, 22 and 29 of this Convention, the Government of the Republic of Indonesia declares that it will apply these articles in conformity with its Constitution".

A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts on the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to object and purpose, by all parties. The Government of Sweden therefore objects to the reservation.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and the Republic of Indonesia.

The Government of Sweden has examined the contents of the reservation made by Pakistan, by which Pakistan expresses that "The provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values".

A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts on the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to object and purpose, by all parties. The Government of Sweden therefore objects to the reservation.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and Pakistan.

[26 August 1992]

The Government of Sweden has examined the content of the reservation made by Jordan, by which Jordan states "The Hashemite Kingdom of Jordan expresses its reservation and does not consider itself bound by articles 14, 20 and 21 of the Convention, which grant the child the right to freedom of choice of religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic Shariah."

A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts on the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Sweden therefore objects to the reservation.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and Jordan.

[20 July 1993]

The Government of Sweden has examined the contents of the reservation made by Thailand upon accession, which reads as follows: "The application of articles 7, 22 and 29 of the Convention on the Rights of the Child shall be subject to the national laws, regulations and prevailing practices in Thailand."

A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts on the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to the object and purpose, by all parties. The Government of Sweden therefore objects to the reservations made by Thailand.

The Government of Sweden furthermore notes that, as a matter of principle, the same objection could be made to the reservations made by:

Bangladesh, regarding article 21,

Djibouti, to the whole Convention,

Myanmar, regarding articles 15 (cf. reservation p. 2) and 37.

These objections do not constitute an obstacle to the entry into force of the Convention between Sweden and Thailand, Bangladesh, Djibouti and Myanmar, respectively.

[29 March 1994]

The Government of Sweden has examined the content of the reservation made by Qatar upon signature, by which Qatar states that "The State of Qatar wishes to make a general reservation with regard to those provisions of the Convention which are incompatible with Islamic Law."

Under international treaty law, a State may not invoke internal law as a justification for its failure to perform its treaty obligations. A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts upon the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. All States parties share a common interest in the respect for the object and purpose of the treaty to which they have chosen to become parties. The Government of Sweden therefore objects to the reservations made by Qatar.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and Qatar.

The Government of Sweden has also examined the content of the reservation made by the Syrian Arab Republic upon ratification, which reads as follows: "The Syrian Arab Republic has reservations on the provisions of the Convention which are not in conformity with the legislation of the Syrian Arab Republic and with the principles of the Islamic Shariah, in particular the content of article 14 related to the right of the child to the freedom of religion, and articles 2 and 21 concerning adoption."

Under international treaty law, a State may not invoke internal law as a justification for its failure to perform its treaty obligations. A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts upon the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. All States parties share a common interest in the respect for the object and purpose of the treaty to which they have chosen to become parties. The Government of Sweden therefore objects to the reservations made by the Syrian Arab Republic.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and the Syrian Arab Republic.

E. Communications

GREECE

[12 April 1994]

Succession of The former Yugoslav Republic of Macedonia to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989, does not imply its recognition on behalf of the Hellenic Republic.

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2	Bahamas, Belgium, Malaysia, Syrian Arab Republic, Tunisia	Finland, Germany, Ireland, Italy, Netherlands, Norway
3	Luxembourg	
4	Tunisia	Germany
6	China, France, Luxembourg, Tunisia	Ireland
7	Czech Republic, Kuwait, Luxembourg, Malaysia, Monaco, Poland, Thailand, Tunisia	Ireland, Portugal, Sweden
9	Bosnia and Herzegovina, Croatia, Iceland, Japan, Luxembourg, Rep. of Korea, Slovenia, Yugoslavia	
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* Reservations or declarations were withdrawn.

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* Reservations or declarations were withdrawn.

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